

Introduced by Senator Bates

February 26, 2015

An act to add Sections 4990.31 and 4990.33 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 531, as introduced, Bates. Board of Behavioral Sciences.

Existing law provides for the licensure and regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors by the Board of Behavioral Sciences within the Department of Consumer Affairs.

Existing law authorizes these licensees whose license or registration has been revoked, suspended, or placed on probation, to petition the board for reinstatement or modification of the penalty, including modification or termination of probation.

This bill would authorize the board to deny without a hearing a request to petition for termination of probation or modification of penalty for specified reasons including, but not limited to, when the petitioner has failed to comply with the terms and conditions of the disciplinary order.

Under existing law, the suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, does not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license

or otherwise taking disciplinary action against the licensee on any such ground.

This bill would provide that, the expiration, cancellation, forfeiture, or suspension of a license, or other authority to practice by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, of any license within the board's authority, does not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4990.31 is added to the Business and
2 Professions Code, to read:

3 4990.31. The board may deny without a hearing a request to
4 petition for termination of probation or modification of penalty
5 for any of the following reasons:

6 (a) The petitioner has failed to comply with the terms and
7 conditions of the disciplinary order.

8 (b) The board is conducting an investigation of the petitioner
9 while he or she is on probation.

10 (c) The petitioner has a subsequent arrest that is substantially
11 related to the qualifications, functions, or duties of the licensee or
12 registrant and this arrest occurred while on probation.

13 (d) The petitioner's probation with the board is currently tolled.

14 SEC. 2. Section 4990.33 is added to the Business and
15 Professions Code, to read:

16 4990.33. Notwithstanding any other law, the expiration,
17 cancellation, forfeiture, or suspension of a license, registration, or
18 other authority to practice by operation of law or by order or
19 decision of the board or a court of law, the placement of a license
20 on a retired status, or the voluntary surrender of a license or
21 registration by a licensee or registrant, of any license or registration
22 within the board's authority, shall not deprive the board of
23 jurisdiction to commence or proceed with any investigation of, or
24 action or disciplinary proceeding against, the licensee or registrant

1 or to render a decision suspending or revoking the license or
2 registration.

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